

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:06CV370-K

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
 vs.)
)
\$37,281.00 IN UNITED STATES)
CURRENCY,)
 Defendant.)

CONSENT JUDGMENT

WHEREAS, the United States filed a verified complaint on August 28, 2006, for the forfeiture of the defendant property, and this Court found probable cause for such forfeiture and issued a warrant for arrest in rem; and,

WHEREAS, on or about October 11, 2006, the United States mailed copies of the complaint and warrant by certified mail, return receipt requested, to Steven Coburn (hereinafter "claimant"), through counsel, as well to another person identified in the complaint, as the only interested persons known to the government; and,

WHEREAS, on or about March 5, 2007, the Marshals Service duly executed the warrant for arrest in rem, as shown by the Form USM-285 filed herein on October 24, 2007; and,

WHEREAS, on November 2, 2006, the Marshals Service published notice of this action in the King's Mountain Herald, as shown by the Form USM-285 filed herein on March 6, 2007; and,

WHEREAS, no person other than claimant has filed a claim or an answer herein; and,

WHEREAS, claimant stipulates that there is probable cause for forfeiture of the defendant property and that the United States District Court for the Western District of North Carolina has in rem jurisdiction over the defendant property; and,

WHEREAS, the parties have agreed to forfeiture of the sum of \$28,281.00 of the defendant property, with \$9,000.00 to be returned to claimant, in full settlement of all claims herein; and,

WHEREAS, claimant hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which claimant or his heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, seizure, detention, and forfeiture; and,

WHEREAS, the parties consent to the United States Magistrate Judge conducting all proceedings, including entry of this Consent Judgment, pursuant to 28 U.S.C. §636(c);

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on October 28, 2006. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law.
3. The parties have agreed to the forfeiture of the sum of \$28,281.00, with the remaining \$9,000.00 to be returned to claimant, in full settlement of this case.
4. The actions taken by the United States were reasonable and proper.

Based on these findings, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The sum of \$28,281.00 is forfeited to the United States, to be disposed of according to law.
2. The remaining \$9,000.00 shall be returned to claimant.
2. Each party is to bear its own costs of this action, including attorneys fees.

Signed this the 29th day of October, 2007.



UNITED STATES MAGISTRATE JUDGE

ON MOTION OF AND WITH CONSENT OF THE PARTIES:

FOR THE UNITED STATES OF AMERICA:

GRETCHEN C. F. SHAPPERT
United States Attorney

By W A Brafford
WILLIAM A. BRAFFORD
Assistant United States Attorney

Date: Oct. 29, 2007

Steven J. Coburn
STEVEN COBURN

Date: 10-26-07

Kirk Connell
KIRK KIRKCONNELL
Attorney for Steven Coburn

Date: 10-26-07